



RECEIVED  
JUL 14 2003  
TC 1700

Patent  
Attorney's Docket No. 004900-209

#5  
7.20.03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of )  
Laure MONCONDUIT-JEGOU et al. ) Group Art Unit: 1745  
Application No.: 10/015,603 ) Examiner: R. Alejandro  
Filed: December 17, 2001 ) Confirmation No. 4768  
For: LITHIUM-MATERIAL COMPRISING )  
AN INTERMETALLIC )  
LITHIUM/TRANSITION METAL )  
Pnictide phase for lithium )  
batteries )

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In complete response to the Official Action dated June 18, 2003, requiring restriction under 35 U.S.C. § 121, Applicants hereby elect, albeit with traverse, the claims of Group I, Claims 1-5 and 16-21, drawn to an electrode comprising a specific lithium/transition metal material and an electrochemical cell/battery comprising the electrode.

According to M.P.E.P. § 803, a restriction requirement between patentably distinct inventions is proper only when there is a serious burden on the examiner to examine all the claims in a single application; this is true even when appropriate reasons exist for restriction requirement. Applicants respectfully submit that the searches required to

(05/03)

completely examine the claims would substantially overlap. In particular, all of the claims of Group II depend directly or indirectly from Claim 1, therefore, the search to examine the claims of Group I is also required to examine the claims of Group II. Applicants believe that it would not be an undue burden upon the Examiner to examine both groups of claims at the present time. Therefore, withdrawal of the restriction requirement, and further and favorable consideration of all of the claims of record on the merits is respectfully requested.

In the event that there are any questions relating to this application, the Examiner is respectfully requested to telephone the undersigned so that prosecution of this application may be expedited.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: July 11, 2003

By:   
Jennifer A. Topmiller, Ph.D.  
Registration No. 50,435

P.O. Box 1404  
Alexandria, Virginia 22313-1404  
(703) 836-6620